



House of Representatives

General Assembly

File No. 579

January Session, 2003

Substitute House Bill No. 5174

House of Representatives, April 29, 2003

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT AUTHORIZING DERRICK BETTON TO BRING A CIVIL ACTION AGAINST THE COMMISSIONER OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) Notwithstanding any provision of
- 2 the general statutes, Derrick Betton is authorized to institute and
- 3 prosecute to final judgment a civil action against the Commissioner of
- 4 Transportation to recover damages for injuries sustained by him on
- 5 September 7, 1996, allegedly caused by the negligence of the
- 6 commissioner in failing to inspect and remove a dead tree within the
- 7 limits of a state highway. The General Assembly deems such
- 8 authorization to be just and equitable and finds that such authorization
- 9 is supported by compelling equitable circumstances and would serve a
- 10 public purpose. The state waives its immunity from liability and from
- 11 suit in such action and waives all defenses which might arise from the
- 12 eleemosynary or governmental nature of the activity complained of.
- 13 The state shall be barred from setting up the fact that the claim had
- 14 once been considered by the Claims Commissioner, by the General

15 Assembly or in a judicial proceeding as defenses to such action. The
16 rights and liability of the state in such action shall be coextensive with
17 and shall equal the rights and liability of private persons in like
18 circumstances. The provisions of subsections (d) to (j), inclusive, of
19 section 4-160 of the general statutes shall be applicable to such action.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Adjudicated Claims (Comptroller)	GF - Potential Cost	798,000	None
Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits Derrick Betton to sue the state for personal injuries allegedly sustained as a result of negligence by the Department of Transportation. He is seeking to recover \$600,000. The total, potential cost is estimated to be \$798,000, including attorney's fees and court costs. Payment would be made from the Adjudicated Claims account.¹ It is anticipated that the Attorney General would represent the state in this matter. Consequently, there would be no additional cost to the state for legal representation.

¹ The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller's agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

OLR Bill Analysis

sHB-5174

AN ACT AUTHORIZING DERRICK BETTON TO BRING A CIVIL ACTION AGAINST THE COMMISSIONER OF TRANSPORTATION.

SUMMARY:

The Office of legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0